



STATE OF WASHINGTON  
**DEPARTMENT OF HEALTH**  
*Olympia, Washington 98504*

**NOTICE OF ADOPTION  
POLICY STATEMENT**

**Title of Policy Statement:** “Face-to-face” and “In person” Services or Assessments Provided by Behavioral Health Agencies| Policy Number: CHS-09-13-22

**Issuing Entity:** Department of Health

**Subject Matter:** Clarifying that services or assessments provided by behavioral health agencies that are required to be provided “face-to-face” or “in person” under chapter 246-341 WAC can occur either in person or by way of synchronous video conferencing.

**Effective Date:** October 28, 2022

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STATE OF WASHINGTON  
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**WSR 22-21-065**

**Department of Health**  
**Office of Community Health Systems**  
**Policy Statement**

Revised – 10/18/11

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| <b>Title:</b>          | “Face-to-face” and “In person” Services or Assessments Provided by Behavioral Health Agencies  | <b>Number:</b><br>CHS-09-13-22 |
| <b>References:</b>     | <a href="#">Chapter 246-341 WAC</a> ; <a href="#">Governor’s Proclamation 20-05</a> ; <a href="#">WAC 246-341-0200</a> ; <a href="#">WAC 246-341-0820</a> ; <a href="#">WAC 246-341-1020</a> |                                |
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| <b>Effective Date:</b> | October 28, 2022   |                                |
| <b>Supersedes:</b>     | n/a  |                                |
| <b>Approved By:</b>    | Sasha de Leon, Assistant Secretary   |                                |

It is the Department of Health’s (department) position that services or assessments provided by behavioral health agencies that are required to be provided “face-to-face” or “in person” under [chapter 246-341 WAC](#) can occur either in person or by way of synchronous video conferencing.

On January 21, 2020, Governor Inslee declared a state of emergency by [proclamation 20-05](#) due to the outbreak of coronavirus disease 2019 (COVID-19). On March 17, 2020, in response to the declared public health emergency, the Secretary of the Department of Health issued *Washington State Department of Health Waiver of Certain Behavioral Health Agency Licensing and Certification Requirements*, filed as [WSR 20-07-105](#). This action waived certain licensing and certification requirements throughout chapter 246-341 WAC, only to the extent that they required a behavioral health agency to provide assessments or services “in person” or “face-to-face.” On September 8, 2022, Governor Inslee announced that Washington’s state of emergency would end by October 31, 2022. With the termination of the state of emergency, this waiver will also expire.

The department has filed a rule proposal under [WSR 22-17-140](#) to update chapter 246-341 WAC, including [WAC 246-341-0200](#), to define “face-to-face” as occurring either in-person or by way of synchronous video conferencing. Additionally, the department is proposing the following clarifying changes to [WAC 246-341-0820](#) and [WAC 246-341-1020](#):

- Agencies certified to provide driving under the influence (DUI) assessment services must document in the assessment whether the assessment was conducted in person or by synchronous video conferencing.
- For the purposes of the annual medical examination that must be completed on individuals receiving substance use disorder opioid treatment program services, the examination may occur either in person or via telehealth technologies. The medical practitioner may use their professional and clinical judgement when determining the appropriateness of telehealth technologies for the annual medical exam and must document, in the patient’s record, their

decision to use telehealth technologies. The initial medical exam must be completed in person as required by 42 C.F.R. Part 8.12(f)(2).

The department has previously filed an interpretive statement under WSR 21-11-071, on the topic of the opioid treatment program annual medical exam. That interpretive statement along with this policy statement will be withdrawn after the rule changes to chapter 246-341 WAC go into effect.

Until which time the department amends its current rules to incorporate the definition of “face-to-face” and provide clarification on “in person” assessments or services, licensed behavioral health agencies may continue to use synchronous video conferencing for assessments or services that occur “in person” or “face-to-face.”